

## **II. Remarks**

This Request for Continued Examination is submitted responsive to the Office Action of June 20, 2006.

In the Office Action of June 20, 2006 the examiner has persisted in the rejection of claims 1 through 15 and 18 through 28. Independent claims 1, 15 and 24 are directed to a fish lure that has a body and a jacket installed over the body. In the Office Action of June 20, 2006 the examiner contends that the patent to Fima discloses such a jacket. In its response to the earlier Office Action of January 17, 2006, applicant pointed out that Fima does not disclose such a jacket. It is the position of the examiner that the reference to Fima discloses a lure body identified with the numeral 20, and a jacket which is identified with a numeral 12, along with the outer edge of the item identified with the numeral 46 which in the specification of Fima is identified as a simulated eye (Fima column 2, line 54). Applicant pointed out that this was an incorrect reading of Fima. Fima does not have both a body 20 and a jacket 12. The Fima specification identifies a lure body 12 (column 2, line 10) that has a main section 20 (column 2, line 22). In other words, Fima identifies a main section as being a part of the lure body 12. Since the main section 20 is actually a part of the body 12 it cannot meet the limitation as being a jacket that is over the body 12. The examiner has also stated that in Figure 1 a jacket containing the top dorsal fins is formed on top of the body at 20 installed over the body made of a light transmissive material. However, Figure 2 does not show a jacket that holds the dorsal fin. Figure 2 is taken along a line 2-2 of Figure 1. The section 2-2 is taken along a contour on the body 20. In Figure 2 part of the body is shown in section and a part is

shown in full lines. This is because from the vantage point of the section 2-2 a certain amount of the outside surface of the body will be visible. This is simply the contour of a curvature of the main section 20.

In the Office Action of June 20, 2006 the examiner has not addressed this argument of applicant. In addressing the arguments of applicant the examiner has stated: "Applicant's arguments with respect to claims 1-15 and 18-28 have been considered but are mute in view of the new ground(s) of rejection." However there was no new ground of rejection with respect to the limitation of claims 1, 15 and 24 with respect to the jacket covering the body.

In addition, to further emphasize the difference of the structure of claims 1, 15 and 24, these claims have been amended whereby the jacket is recited to be installed over and substantially covering the body. This feature of the invention finds antecedent basis in the specification at page 5, line 5. The patent to Fima does not disclose a jacket. The patent of Fima does not disclose a jacket substantially covering the body. The patent to Malphrus does not disclose a jacket that covers any part of the body. The patent to Malphrus discloses a skirt 12 that telescopes inside a portion of an outer tube 14. Accordingly, allowance of independent claims 1, 15 and 24 along with claims dependent thereon is respectfully requested.

In particular, dependent claim 5 has been amended whereby the fishing lure has a medal leader tube passing centrally through the lure body and the jacket which is for use in a recharging circuit for the rechargeable battery pack. This advantageous structure is described in the specification at page 7 and is shown in the drawings. This structure is

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not shown or suggested in the references of record. Accordingly accounts of claim 5 as amended is respectfully requested.

In like fashion independent claim 25 has been amended whereby the battery pack installed in the housing is rechargeable. A medal leader tube passes centrally through the body and is connected to the battery pack for use in a recharging circuit. This structure is not shown or suggested in the references of record. Accordingly, allowance of claim 25 and claims dependent thereon is respectfully requested.

Respectfully Submitted,

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October 11, 2006

GP:2013851 v1